IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Wolf Bertling et al.   Art Unit : 1634
Serial No. : 10/018,449   Examiner : Ethan C. Whisenant
Filed : May 3, 2002
Title : METHOD AND DEVICE FOR IDENTIFYING A POLYMER

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the Restriction Requirement mailed May 4, 2005, Applicants elect the invention of Group I, claims 1-14 and 29-31. The election is made with traverse.

The Examiner asserted that the claims as drawn are related to each other because they comprise a limitation wherein a polymer is bound via metallic clusters to a first phase which reflects electromagnetic waves. However, as a polymer which is bound via metallic clusters to a first phase which reflects electromagnetic waves, as recited in the claims, was known – see, at least, for example, the abstract of Schalkhammer et al. [WO 98/48275 (1988)] – the claims are no longer linked by a special technical feature, because, by definition, the special technical feature must distinguish over the prior art. Without the special technical feature the claims lack unity. The Examiner pointed to WO 98/48275 to support this lack of unity rejection.

Applicants respectfully disagree with the Examiner. WO 98/48275 discloses a surface having a metallic clusters bound thereto that reflect electromagnetic waves.

In contrast to WO 98/48275, the present invention discloses and claims a surface having metallic clusters bound thereto, wherein the surface is pervious (i.e., transparent) to electromagnetic waves.